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China, Peoples Republic of

FAIRS Product Specific

Regulation on Entering Animal Genetic Material

2003

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Report Highlights:

This is an UNOFFICIAL translation of China's AQSIQ (2003) Decree No. 47 that was referred to in WTO G/SPS/N/CHN/19 and should be used as a guide only.

Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation of the regulation is accurate.

Includes PSD changes: No

Includes Trade Matrix: No

Unscheduled Report

Beijing [CH1], CH

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Summary

The *Regulation on Entering Animal Genetic Material Quarantine* was adopted as Decree No. 47 at the General Administration of Quality Supervision, Inspection, and Quarantine (AQSIQ) general meeting on April 3, 2003. The regulation was signed and published by the AQSIQ Minister on May 14, 2003 for implementation from July 1, 2003.

On June 13, 2003, China announced the regulation to the WTO Committee on Sanitary and Phytosanitary Measures (see G/SPS/N/CHN/19). The announcement provides WTO member countries 60 days to comment on this Regulation.

Comments on the following Regulation from U.S. interests can be provided to the USDA/FAS/Food Safety and Technical Services Division (fstsd@fas.usda.gov).

BEGIN TRANSLATION

AQSIQ Decree No. 47 on Regulation on Entry Animal Genetic Material Quarantine

Chapter One General Principles

Article 1.

This Regulation is formulated in accordance with the People's Republic of China *Law of Entry and Exit Animal and Plant Quarantine* (PRC National Party Congress Order No. 53 published by FAS Beijing GAIN report CH1051) and its implementing regulations (PRC State Council Decree No. 206 published by FAS Beijing GAIN report CH3110) in order to standardize the quarantine and supervision of entry animal genetic materials and protect the production safety of China's animal husbandry.

Article 2.

This Regulation applies to the quarantine and supervision of entry animal genetic materials.

Article 3.

The animal genetic materials referred to in this Regulation are mammalian semen, embryo and ovum.

Article 4.

AQSIQ is responsible for the overall administration of quarantine and supervision for the entry of animal genetic materials nation-wide.

The exit and entry inspection and quarantine organs of AQSIQ in all areas (hereinafter referred to as CIQ) are responsible for inspection and supervision of the entry of animal genetic materials within their jurisdiction.

Article 5.

AQSIQ conducts risk analysis and management of the entry of animal genetic materials. According to the results of risk analysis, AQSIQ will sign bilateral quarantine agreements (including treaties, agreements, protocols and MOUs) with relevant organs of the countries and regions that intend to export animal genetic materials to China.

Chapter Two Inspection Examination and Approval

Article 6.

Those who import animal genetic materials into China, shall, in advance, first handle quarantine examination and approval procedures, receive the PRC Entry Animal and Plant Quarantine Permit (hereinafter referred to as Quarantine Permit), and clearly write China's requirements into the trade contract or relevant agreements.

Article 7.

Applicants who apply for and handle quarantine examination and approval procedures for animal genetic materials, shall submit the following documents to the CIQ office where the applicants are located.

1. The application for the PRC Entry Animal and Plant Quarantine Permit;
2. Agents, on behalf of goods owners, shall submit a photo copy of the import agent contract or any agreements signed with the goods owners.

Article 8.

CIQ offices shall complete a preliminary examination within the time prescribed by AQSIQ. If the preliminary examination proves the application is qualified, the application shall be sent to AQSIQ for verification. AQSIQ shall complete the verification within the time prescribed. If the verification proves the application is qualified, the Quarantine Permit will be issued. If the verification proves the application is unqualified, a Notice will be issued that an approval has not been obtained for the PRC Application for Entry Animal and Plant Quarantine Permit.

Chapter Three Entry Quarantine

Article 9.

Before permitting import of animal genetic materials, AQSIQ may, if it chooses, send quarantine personnel to exporting countries or regions to undertake pre-clearance of animal genetic materials.

Article 10.

AQSIQ shall undertake quarantine registration on foreign production organizations that export animal genetic materials, and regularly or occasionally send quarantine personnel to examine the registered foreign production organizations.

Article 11.

Imported animal genetic materials shall enter at ports designated by the Quarantine Permit.

Article 12.

The owners, or their agents, of imported animal genetic materials, shall hold the Quarantine Permit, trade contracts or agreements, letters of credit, invoices and other effective documents, and apply for inspection and quarantine at the CIQ office at the entry ports before the entry of animal genetic material. Upon the entry of animal genetic materials, the original quarantine certificate issued by the official quarantine organs of the exporting countries or regions shall be submitted to the entry port CIQ office.

Article 13.

If any entering animal genetic material is not accompanied by the effective quarantine certificate issued by the official quarantine organs of the exporting countries or regions, or has not gone through quarantine approval procedure, the entry port CIQ office may return or destroy the genetic material depending upon the conditions.

Article 14.

When the entering animal genetic material arrives at port, the quarantine personnel shall conduct an on-the-spot examination. On-the-spot examination consists of:

1. Examine if the Quarantine Certificate complies with the Quarantine Permit and the requirements of the agreements signed between China and the exporting country/region;
2. Verify if the goods and the documents correspond with each other;
3. Check the packaging and preservation conditions of the goods.

Article 15.

If the on-the-spot examination proves the item is qualified, the entry port CIQ office shall issue a Port Clearance for Entry Goods, and transfer the animal genetic material for quarantine to the place designated by the Quarantine Permit.

Article 16.

If the animal genetic material needs to transfer and depart the entry port, the owners of the goods or agents shall make a declaration to the CIQ office in the transfer destination, and provide

photocopies of the documents prescribed in Article Twelve of this Regulation, and Port Clearance for Entry Goods issued by the entry port inspection and quarantine organs.

Article 17.

The CIQ office shall conduct quarantine examination according to the requirements of the Quarantine Permit. If the animal genetic material proves qualified as a result of the examination, CIQ offices shall conduct quarantine supervision and management for the genetic material. If the genetic material does not prove qualified, it shall be returned or destroyed under the supervision of the CIQ office.

Chapter Four Quarantine Supervision

Article 18.

The CIQ office shall conduct quarantine supervision and management for the processing, preservation and use (hereinafter all referred to as use) of entering animal genetic material, and shall put, on file, records of the first-generation offspring of the animal genetic material.

Article 19.

The user organization of the entering animal genetic material shall go to the local CIQ office to register the genetic material.

Article 20.

The user organization shall complete the File Form of User Organization of Entry Animal Genetic Material (Annex 1), and provide the following supporting documentation:

1. Photocopy of user organization legal person qualification certificate
2. Proof that the user organization possesses professional personnel who are familiar with the technology of preservation, transport and use of animal genetic material.
3. Proof that the user organization possesses the special storage place and other necessary facilities for the entering animal genetic material.
4. Proof that the user organization possesses the relevant management systems for the entering animal genetic material.

Article 21.

The CIQ office shall report to AQSIQ about the registered user organization.

Article 22.

The user organization shall complete the Quarantine Supervision Archives for Entry Animal Genetic Material (Annex 2), and receive supervision by the CIQ office. When the use of every batch of entry animal genetic materials is finished, the user organization shall report the Quarantine Supervision Archives for Entry Animal Genetic Material to the inspection and quarantine bureau for file.

Article 23.

If it is needed, the CIQ office shall monitor the health conditions of the offspring of the entering animal genetic material, and relevant organizations shall coordinate.

Chapter Five Supplementary Provisions

Article 24.

In case of violation of this Regulation, the CIQ office shall punish the violator according to the relevant laws and regulations.

Article 25.

AQSIQ is responsible for interpreting this Regulation.

Article 26.

This Regulation will come into force from 1 July 2003.

Annex 1 File Form of User Organization of Entry Animal Genetic Material

User organization			
Organization address			
Legal representative		Code of legal person	
Nature of organization	<input checked="" type="checkbox"/> SOE <input checked="" type="checkbox"/> Institution <input checked="" type="checkbox"/> Joint-venture <input checked="" type="checkbox"/> Foreign-funded enterprise <input checked="" type="checkbox"/> Private enterprise <input checked="" type="checkbox"/> Others		
<p>In accordance with Regulation on Entry Animal Genetic Material Quarantine, we hereby apply for the entering animal genetic material. Our organization will strictly abide by the Law for Entry and Exit Animal and Plant Quarantine of the People's Republic of China and its implementation regulations. We will receive supervision and guidance of the inspection and quarantine organs. We will fulfill the obligations prescribed by Regulation on Entry Animal Genetic Material Quarantine.</p> <p style="text-align: right;">Applicant organization (Stamp) Legal representative (Signature): Date:</p>			
<p>Opinions of verifications by inspection and quarantine organ:</p> <p style="text-align: right;">Official in charge (signature): Date:</p>			

This File Form is made under the People's Republic of China AQSIQ supervision.

The organization filling the Archive:

Date of filling the Archives: from XXXX year, XX month, XX date to XXXX year, XX month, XX date

This Archive is made under the supervision of the AQSIQ of the People's Republic of China

User organization				Contact person & phone	
Organization address				Organization legal person and phone	
Number of Quarantine Permit		Variety of genetic Material		Exporting country	
Import Quantity		Import time		Entry port	
Mark and quantity of genetic material					

[illegible]

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Time	Supervision record	Quarantine personnel

END TRANSLATION